

Docket No. 94100419(EP)USC1X1C1D8 PDDD  
USSN: 09/776,641

PATENT  
Art Unit: 2154

## **REMARKS**

### **REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-6 are pending in the present application. The Examiner has rejected claims 1 and 2 under 35 USC 103(a) as being unpatentable over Horvath et. al (US Patent No. 5,450,599), in view of Ueda, et. al (U.S. Patent No. 5,148,529). The Examiner has further rejected claims 3-6 under 35 USC 103(a) as being unpatentable over Horvath et. al (US Patent No. 5,450,599), in view of Ueda, et. al (U.S. Patent No. 5,148,529), and in further view of Schwartz (US Patent No. 4,682,248).

With respect to claims 1 and 2, the Examiner asserts that Horvath includes all of the limitations of the invention as claimed, except:

"a sequence of pipeline stages wherein the at least one of the pipeline stages is activated upon recognition of a predetermined activation pattern only upon a predetermined transition from the previous state to the current state."

The Examiner further asserts that the limitation above is found in Ueda and that the two references when combined yield a rejection under 35 USC 103(a).

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Applicant has amended claim 1. Applicant respectfully traverses the rejection for at least the following reason:

I.

**Ueda in combination with Horvath does not include a system where “only one of the pipeline stages is activated upon recognition of the predetermined activation pattern only upon a predetermined transition from the previous state to the current state.”**

Ueda, describes how a data processor might perform pre-branching in order to handle a branch instruction at Column 17, lines 11-33 (As cited by the Examiner). The branch instruction might lead the processor to one of two addresses. As described in Ueda, the branch instruction might be correct (Column 7, line 15) or the branch instruction might be incorrect (Column 7, lines 16-17). Thus even if pre-branching is seen as a way of forming two pipeline stages, certainly both pipeline stages are activated in advance, but only one is used.

In contrast, in the present claim one of the pipeline stages and only said one of the pipeline stages is activated upon recognition of the predetermined activation pattern. Thus, unlike pre-branching in Ueda where both possibilities are configured prior to the use of one of the two pipelines, the pipeline stage of the present invention (and only that pipeline stage) is activated when a certain activation pattern is present, if such an action is appropriate.

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As such, pre-branching as taught by Ueda, does not cover the scenario that is covered by the present claims as amended, where only one of the branches is activated at the appropriate time. Since Ueda must activate both branches initially and then use the appropriate one at the appropriate time, it does not read on the claims as amended. Therefore, Applicant believes that independent claim 1 and its respective dependent claims 2-6 are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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### CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

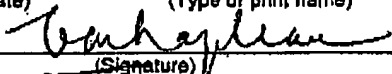
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Dated: June 8, 2004

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